

MEMORANDUM

DECEMBER 13, 1990

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: PAUL BARRETT, ASSISTANT DIRECTOR FOR
HARBOR PLANNING AND DEVELOPMENT
THOM ENNEN, PROJECT DIRECTOR FOR
FORT POINT DISTRICT
DON KLABIN, SENIOR PROJECT MANAGER

SUBJECT: THE EXPANSION OF THE WORLD TRADE CENTER BOSTON
PROJECT: DEVELOPMENT PLAN APPROVAL AND RELATED
MATTERS

EXECUTIVE
SUMMARY:

This memorandum requests that, in the matter of the application by The John Drew Company, acting for Commonwealth Flats Development Limited Partnership, the successor to BOSCOM Partners and Fidelity Properties, Inc., for Planned Development Area approval in connection with the proposed phased expansion of the World Trade Center Boston project, located on Commonwealth Pier, onto the adjacent area known as Commonwealth Flats, a 1.29 million square foot mixed-use project, the Boston Redevelopment Authority (1) adopt the attached findings and resolutions approving the Development Plan, (2) authorize the Director to petition the Zoning Commission for the designation of a Planned Development Area for the project site, and (3) authorize the Director to execute an Adequacy Determination for the Final Project Impact Report upon the Director's determination that the FPIR fully satisfies the requirements of Article 31.

The John Drew Company, acting for Commonwealth Flats Development Limited Partnership, the successor to BOSCOM Partners and Fidelity Properties, Inc. (the "Applicant"), filed an application on May 15, 1990 seeking approval of a Development Impact Project Plan and Planned Development Area ("PDA") Development Plan for the expansion of the World Trade Center Boston ("WTCB"), a proposed phased, mixed-use development to be located on property commonly referred to as the Commonwealth Flats portion of South Boston, which is within the Fort Point District (the "Project"). This memorandum requests that the Boston Redevelopment Authority:

- (1) Adopt the attached findings and resolutions approving the Development Plan;

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- (2) Authorize the Director to petition the Zoning Commission for the designation of a Planned Development Area (PDA No. 40) for the Project site; and
- (3) Authorize the Director to execute an Adequacy Determination for the Final Project Impact Report ("FPIR") upon the Director's determination that the FPIR fully satisfies the requirements of Article 31 of the Boston Zoning Code (the "Code").

DEVELOPMENT PLAN APPROVAL AND RECOMMENDATION TO ZONING COMMISSION

Planned Development Area/Development Impact Project Requirements

The Applicant has requested several actions from the BRA Board necessary for the project to proceed. Because the Applicant is seeking a PDA zoning designation for the site, a Development Plan is required to be submitted to and approved by the BRA Board, and the BRA must make a recommendation to the Zoning Commission regarding the PDA designation. In addition, Articles 26, 26A and 26B of the Code require that the BRA approve a Development Impact Project Plan providing essentially the same information as the Development Plan. These two documents, the Development Plan and the Development Impact Project Plan, are combined into a single document and are attached.

The Planned Development Area Proposal

The proposed PDA is located in an area designated for the establishment of PDAs under the proposed Fort Point Waterfront zoning, Article 42E of the Code. As described in the Development Plan, no zoning exceptions will be required for the Project.

The proposed redevelopment project involves the construction of a total of 1.29 million square feet in the following new buildings:

- o WTC Hotel
 - 220,000 sq. ft. of hotel rooms
 - 15,000 sq. ft. of retail
 - 1,100 parking spaces
- o WTC East
 - 460,000 sq. ft. of offices
 - 15,000 sq. ft. of retail

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o WTC West

560,000 sq. ft. of offices
20,000 sq. ft. of retail
500 parking spaces

Actual uses of the proposed buildings may include restaurant, exhibition and conference, and other permitted uses. A child day care center (4,000 sq. ft.) will also be constructed on-site.

The maximum allowable Building Heights, as defined by the Code, are one hundred sixty-two (162) feet for WTC Hotel, two hundred thirty (230) feet for WTC East, and two hundred forty-five (245) feet for WTC West.

In addition, the Project will contribute to the City's supply of public open space through the creation of (a) a landscaped open space area at the intersection of Northern Avenue and D Street, located east of the WTC East building, and (b) a multi-level, open space area adjacent to the new Viaduct Street.

All existing structures on the site will be demolished, and the site will be fully cleared for the proposed new construction. The redevelopment of the site will proceed in at least two (2) phases, proceeding generally from the east side of the site to the west side. Throughout the development of the expansion project, the existing World Trade Center Boston will continue to function, and pedestrian and vehicular access and egress will be maintained. The phasing plan is designed to coordinate with the development of new public roadways and other new public infrastructure affecting the PDA site.

Since the Project is proposed as a PDA, the Applicant must show, and the BRA must find prior to approval, that nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens. A comprehensive schedule of public benefits and mitigation measures is described in the proposed Development Plan (attached) and in the proposed Cooperation Agreement governing the Project (attached).

Site Description

The area proposed to be a PDA is approximately eight (8) acres, and is generally bounded by Northern Avenue on the north and New Congress Street on the south, between B Street on the west and a new section of D Street on the east. Viaduct Street, which is elevated approximately thirty (30) feet above grade, bifurcates

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the Project site on the north-south axis and will be rebuilt as part of the Project.

The land is owned in fee by the Massachusetts Port Authority (Massport) and is available to the Applicant for long-term lease as a part of the agreement made in conjunction with the renovation of Commonwealth Pier, the first phase of the WTCB project. The area is described in further detail in the Development Plan.

Open Spaces and Pedestrian Circulation

The Project site will be redeveloped in conformance with the Fort Point Waterfront Plan which has been prepared by the BRA, David Dixon & Associates (BRA's urban design consultant), the Fort Point Citizens Advisory Committee (FPCAC), Massport, and Martin Sokoloff (Massport's urban design consultant), together with input from many residents, local businessmen, state agencies, and other interested parties.

Accessible and active pedestrian routes through the site will be provided by (1) a pedestrian street located between WTC West and the parking/retail building which forms the base of the WTC Hotel, (2) pedestrian sidewalks on both sides of Seaport Lane, a new service drive located between WTC Hotel and WTC East, and (3) pedestrian sidewalks on both sides of the new Viaduct Street. As recommended by the Plan, these pedestrian routes will prevent the Project site from becoming a "superblock."

In addition to these pedestrian corridors, the Project includes new major public open spaces, as described earlier in this memorandum.

Public Benefits

With a total development cost of approximately four hundred million dollars (\$ 400,000,000), the Project represents a significant investment in new office, hotel, exhibition and conference, parking, restaurant, and retail space in Boston. The redevelopment will provide substantial benefits citywide and to adjacent communities.

The proposed redevelopment project is anticipated to generate approximately \$ 4.3 million in annual new City tax revenues, \$ 7.14 million in housing and jobs linkage funds as described in the attached Development Impact Project Agreement ("DIP Agreement"), new child day care space, and other public benefits for neighborhood residents and businesses, as described below:

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- o The Applicant, together with Massport, will provide for the design and construction of a public landscaped open space along the Northern Avenue waterfront at the corner of D Street. This 1.3-acre public square will provide an excellent location for accommodating seaport-related activities, such as a proposed open air seafood market, as well as providing an area for viewing the Boston Fish Pier, the public docking area at the Commonwealth Pier, and various harbor activities and events.
- o The Applicant will provide a minimum of four thousand (4,000) square feet of child day care facilities as part of the full development. The Applicant is working with BRA staff and the FPCAC to determine specifics on how the project might support neighborhood day care centers off-site prior to the completion of the proposed WTCB facilities.
- o The Applicant will provide a ten percent (10%) reduction in conference and meeting room fees to South Boston-based, non-profit organizations and to maritime-related associations for events held at the World Trade Center Boston.
- o The Applicant will initiate creation of the Seaport Association, a non-profit organization that will promote the public and business activities in the Fort Point / Northern Avenue "Seaport District," enhance the maritime character of the area, and improve communication channels regarding the many public transportation and infrastructure projects scheduled to occur in the area. Initial discussions have begun with area property owners, business and non-profit entities to establish the Seaport Association.
- o Exhibits will be developed and displayed in the lobbies and public areas of the WTCB facilities explaining the status and details of the major public projects underway or scheduled for the area. Examples include an exhibit focusing on the Third Harbor Tunnel/Seaport Access Road, explaining design and construction schedules project descriptions, construction techniques, etc., and other exhibits covering the Boston Harbor cleanup, MBTA South Boston Piers Transitway, and the Boston Harbor water shuttle network.

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- o The Applicant will work with the Fort Point Arts Community, Inc. to arrange for regular exhibits of its members' work to be displayed prominently in the WTCB's hotel and office public lobbies and in the exhibition and conference center public areas.
- o The Project will generate revenues for Massport through the provision of ground lease payments. These revenues will provide Massport with monies to enhance its maritime and port activities, which are of benefit to the entire New England region.
- o The Project will generate new direct annual tax revenues of approximately \$ 4.3 million for the City of Boston. In addition, sales and hotel occupancy taxes of approximately \$2.55 million will be generated for the Commonwealth of Massachusetts.

Affordable Housing Program

Permanent zoning for the Fort Point Waterfront has been prepared for the Board's approval, and the BRA Board held a public hearing on the proposed zoning on October 25, 1990. The proposed zoning addresses the need for affordable housing in addition to other concerns.

The Project will provide approximately \$ 5,950,000 in housing linkage payments. The Applicant intends to propose to the Neighborhood Housing Trust that at least fifty percent (50%) of such funds be reserved for a program to provide low-interest, home improvement loans to South Boston residents.

Employment Benefits

The employment benefits that the Project brings to Boston are extensive. Approximately 1,300 construction jobs will be generated by the Project. The Applicant has agreed to comply with the City's hiring policies, and will codify this through the execution of a Residents Construction Employment Plan Agreement with the Mayor's Office of Jobs and Community Services ("OJCS"), as stated in the Cooperation Agreement.

The Project also brings extensive benefits in the form of permanent jobs. When completed, the project will add space for approximately 5,500 permanent jobs, which supplement the existing 2,200 permanent jobs at WTCB. The Applicant has agreed to comply with the City's hiring policies and will codify this through the execution of a First Source Agreement with OJCS, as stated in the

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Cooperation Agreement.

The Applicant will recommend to the City of Boston Jobs Trust that fifty (50) percent of the jobs linkage funds be used to support job training programs at EDIC and the Boston Technical Center, and the remaining fifty (50) percent be used to provide programs for the placement of Boston residents in permanent jobs at the WTCB complex and other businesses in the Fort Point area. Options to be pursued include the creation of a referral system for Boston residents through the new Seaport Association, and development of a South Boston vendor listing to encourage businesses in the area to purchase materials and services from South Boston firms.

In addition, the Project will provide a four thousand (4,000) square foot child day care facility on-site to serve employees and local residents. In addition, a monetary contribution will be provided to the South Boston community to promote the development of neighborhood child day care centers off-site.

Transportation Impacts

The transportation and transit improvements provided by the Project are extensive, as described below:

o Shuttle Bus System

The Applicant will continue to provide and expand upon what is already one of Boston's most extensive private shuttle bus systems.

o South Boston Transitway Funding

The Applicant will participate on a fair share basis in the funding of the MBTA South Boston Piers Transitway through the mechanism determined most appropriate by all parties including, but not limited to, the Applicant, Massport, EOTC, MBTA, BTD, Urban Mass Transit Administration (UMTA), and enacted through a public decision-making process. In addition, the Applicant will take the lead in forming a non-profit entity that will explore and promote public/private funding scenarios for the Transitway project.

o WTCB Marine Terminal / North Station Water Shuttle

The Applicant will assume financial responsibility for the design and construction of the WTCB Marine

Terminal, in order to encourage the establishment of a WTCB / North Station Water Shuttle route. This facility will operate in conjunction with a future North Station Terminal, to be constructed by others.

o Water Taxi

Through the new Seaport Association, the Applicant will take the lead in the creation of a committee to investigate the financial and operational requirements of an on-demand water taxi service. The Applicant will also commit to purchasing \$25,000 worth of water taxi service in its first year of operation.

o MBTA Transitway Envelope

In cooperation with Massport, the Applicant will provide to the MBTA a construction envelope for the Transitway through the lower levels of the future WTC South building, when the building is constructed. The future WTC South building is proposed to be constructed on land located on the southerly side of New Congress Street, opposite the southwestern corner of the PDA site.

DEVELOPMENT REVIEW REQUIREMENTS

The proposed project evolved from the WTCB Master Plan project originally described in an Environmental Notification Form (ENF) filed with the MEPA Unit of EOEA in August 1985. In October 1985, MEPA issued a scope of work for the preparation of the DEIR. The 1985 WTCB project included three phases, with the first being the previously approved Commonwealth Pier redevelopment, which was then under construction and was completed in 1986. While the overall purpose of the WTCB project continues to be to promote trade activities and contribute to the area's economic growth, the development plans for the expansion proposal have been reconsidered and redesigned to better respond to goals and objectives that have emerged from public sector planning efforts for the Fort Point Waterfront area during the past five (5) years.

In May 1989, the Applicant filed a Notice of Project Change (NPC) in accordance with the MEPA regulations. The NPC was required because more than three years had elapsed between the filing of the ENF and the FEIR, and because changes had occurred in the Project as well as in areawide plans for roadway systems and other development projects nearby. The scale of the Project as

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proposed in the NPC was reduced from the original proposal. On June 22, 1989, the MEPA Unit held a public meeting on the Project as presented in the NPC. On July 26, 1989, a scope was issued in response to the NPC.

On November 22, 1989, the Applicant filed an Article 31 Project Notification Form (PNF) with the BRA. The BRA issued the Scoping Determination on February 14, 1990 in response to the PNF.

On May 15, 1990, a joint Draft Environmental Impact Report / Draft Project Impact Report (DEIR/DPIR) was filed simultaneously with EOEa and the BRA. On July 11, 1990, following the public review period, the Secretary of the EOEa issued the certificate regarding the DEIR, accompanied by twenty (20) letters from reviewers. On October 30, 1990, the BRA issued the Preliminary Adequacy Determination (PAD). Together, these documents provided the scope of work for the joint FEIR/FPIR.

On November 15, 1990, the Applicant submitted the FEIR/FPIR to EOEa, and on November 20, 1990 the Applicant submitted the FEIR/FPIR to the BRA. The BRA staff is currently reviewing the FPIR and is soliciting comments from other city agencies, the FPCAC, abutters, and other interested parties. The BRA staff requests that the BRA Board authorize the Director to issue the Adequacy Determination on his determination that the FPIR fully meets the requirements set forth in Article 31.

On November 29, 1990, the Applicant presented the Project to the BRA Board at a public hearing held in the BRA Board Room. In addition to the Applicant and the Project consultants, the following people spoke in support of the Project:

- o Larry Dwyer, President, FPCAC
- o Ed Burke, Mayor's Office of Neighborhood Services
- o Tom Butler, South Boston Transportation Committee
- o Andy McClurg, Boston Transportation Department (BTD)
- o Bernie O'Donnell, President, South Boston Citizens Association
- o Robert M. Monahan, Greater Boston Chamber of Commerce
- o Astrid Glynn, Esq., for the Boston Shipping Association
- o Daniel B. Curll III, The Boston Harbor Association
- o Martin Walsh, Boston Building Trades
- o Jack Clark, SDIC/Boston

In addition to the Applicant, the following people submitted written comments:

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- o John Joseph Moakley, Congressman, U.S. House of Representatives
- o Alden S. Raine, Secretary, Executive Office of Economic Affairs, Comm. of Mass.
- o Richard A. Dimino, BTB
- o Robert M. Monahan, Greater Boston Chamber of Commerce
- o Daniel B. Curll III, The Boston Harbor Association
- o Charles J. Doulos, Jimmy's Harborside Restaurant Inc.
- o David Dixon, David Dixon & Associates

No one spoke in opposition to the Project. As recommended by the staff of the BRA, the Board voted to take the matter under advisement and to allow the submission of written comments, to be incorporated into the public record, until Wednesday, December 5, 1990. No additional written comments were submitted.

FORT POINT CITIZENS ADVISORY COMMITTEE (FPCAC)

Following discussions between the Applicant, the FPCAC, EOE, the BRA, and Massport, it was agreed that the FPCAC, which represents a wide range of public and private sector interests, would serve as the community review committee for the WTCB project. Since the DEIR/DPIR filing, the Applicant has reviewed the environmental findings and project revisions with the FPCAC, Harborpark Advisory Committee, and the South Boston community. The Applicant and its consultant team are scheduling meetings with the FPCAC during the FEIR/FPIR public review period to discuss the findings of the environmental impact assessment. The Applicant also made a presentation of the FEIR/FPIR project status at a South Boston community meeting, sponsored by the FPCAC, on October 29, 1990. On December 4, 1990, the FPCAC voted to approve the Project.

CONCLUSION

The five-year review process of meetings among the Applicant, the BRA, the FPCAC, the Boston Transportation Department, the Mayor's Office of Neighborhood Services, and other interested community representatives has resulted in a development proposal which has been guided by and conforms to the proposed Fort Point Waterfront Plan and the proposed permanent zoning, and has undergone revisions in response to the various public comments. The PDA proposal is the result of this review, which was carried out in conjunction with the Article 31 review process. The process has enabled the community to review and advise on the development proposal at length, and the result is a project that is sensitive to the interests of the surrounding neighborhoods.

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Accordingly, the BRA staff recommends: that the Boston Redevelopment Authority Board (1) adopt attached findings and resolutions approving the Development Plan, (2) authorize the Director to petition the Zoning Commission for the designation of a Planned Development Area for the project site, and (3) authorize the Director to execute an Adequacy Determination for the Final Project Impact Report upon the Director's determination that the FPIR fully satisfies the requirements of Article 31.

Appropriate votes follow:

VOTED That the Boston Redevelopment Authority hereby adopts the resolutions entitled "Resolutions of the Boston Redevelopment Authority Regarding the Development Plan and Development Impact Project Plan for Planned Development Area No. 40, World Trade Center Boston" dated December 13, 1990, consisting of 17 pages, and the BRA specifically adopts the findings incorporated therein, and specifically adopts the Resolves that are set forth in the last 4 pages of said resolution; and

VOTED That the Director be and hereby is authorized to issue an Adequacy Determination for the Final Project Impact Report ("FPIR") submitted by the Applicant on November 20, 1990 upon final completion of the review of the FPIR and the Director's determination that the FPIR fully satisfies the requirements of Article 31.

ATTACHMENTS

Tab 2 BRA Resolutions
Tab 3 Fact Sheet
Tab 4 Site Plan
Tab 5 Development Plan and Development Impact Project Plan
Tab 6 Cooperation Agreement
Tab 7 Development Impact Project Agreement

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RESOLUTIONS OF THE BOSTON REDEVELOPMENT AUTHORITY
REGARDING THE DEVELOPMENT PLAN AND DEVELOPMENT
IMPACT PROJECT PLAN FOR PLANNED DEVELOPMENT AREA
NO. 40, WORLD TRADE CENTER BOSTON

1. THE ONGOING BRA APPROVAL PROCESS

WHEREAS, the John Drew Company, acting for Commonwealth Flats Development Limited Partnership, as successor to BOSCOM Partners and Fidelity Properties, Inc. (hereinafter the "Applicant") has filed an Application (hereinafter the "Application") seeking from the Boston Redevelopment Authority (hereinafter the "BRA" or "Authority") and the Boston Zoning Commission (hereinafter the "Commission") approval of a development plan (hereinafter the "Development Plan") and a development impact project plan (hereinafter the "Development Impact Project Plan") for a planned development area (hereinafter "PDA") to be designated in the area abutting the southern side of Northern Avenue between B Street and D Street (hereinafter the "Project Site"), as more particularly described in the Development Plan (the Development Plan and the Development Impact Project Plan may hereinafter be referred to together as the "Development Plan" where the context so requires). The proposed PDA is located within the area described as the Fort Point Waterfront in proposed Article 42E of the Boston Zoning Code (hereinafter "Article 42E"), which was considered by the BRA at a public hearing held on October 25, 1990, and continued to December 13, 1990 in accordance with a notice of hearing published in the Boston Herald on November 23, 1990. Proposed Article 42E is available to the public in the offices of the BRA. Concurrent with, but immediately prior to, the action that the Board is now taking on the Development Plan, the Board has authorized the Director to petition the Commission for the adoption of proposed Article 42E. It is contemplated that any approval of a PDA for the Project Site by the Commission would be conditioned on the effectiveness of said Article 42E so that the provisions of said Article 42E shall govern such PDA and its establishment.

Section 42E-15 of Article 42E describes an area within the Fort Point Waterfront in which PDAs may be established and this area includes the Project Site. In order to establish a PDA, an applicant must submit a development plan in accordance with Article 3, Section 3-1A.a. of the Boston Zoning Code (the "Code"). Pursuant to Section 3-1A.a., a development plan must "set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, [and] proposed dimensions of structures...".

Similarly, Article 26A, Section 26A-3 and Article 26B, Section 26B-3 of the Code establish requirements for a development impact project, and Section 26A-3 requires that a development impact project plan contain the same information as a development plan. In addition, a development impact project plan must set forth the projected number of employees.

The approval of the Development Plan by the BRA will allow the Applicant to continue the development review process for the entire project in accordance with the Development Plan. If the BRA determines that the Development Plan includes the elements required by Section 3-1A.a., that it "conforms to the general plan for the city as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare", and that it also meets the PDA Criteria (as hereinafter defined), the BRA may, after public hearing, approve the Development Plan. Section 26A-3 of the Code similarly provides that no Development Impact Project Plan may be approved by the BRA without making the same determinations (in addition to the PDA Criteria).

Section 42E-17 of Article 42E sets forth further criteria for a development plan relating to a proposed PDA within the Fort Point Waterfront and require the BRA to make the following additional findings: that the Development Plan is in conformity with the provisions of Sections 42E-17, 42E-18 and 42E-20 of Article 42E; that the Development Plan conforms to the Harborpark District Plan, and the general plan for the city as a whole; that each Proposed Project described in the Development Plan is in compliance with the building height and FAR standards set forth in Section 42E-16 and all other applicable provisions of Article 42E; and that, on balance, nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens including without limitation those factors identified in Sections 42E-18 and 42E-20 (collectively, the "PDA Criteria").

As noted above, after the Development Plan is approved, the BRA development review process will continue for all phases of the Project. In addition, in order to obtain a building permit, all final plans and specifications must be submitted to the BRA for a determination that they are consistent with the Development Plan. If the final plans and specifications are not consistent with the Development Plan, they cannot be approved unless the Development Plan is amended, after public notice and hearing.

2. THE PRESENT SITE IS AN UNDERUTILIZED AREA

WHEREAS, the Project Site contains approximately 8 acres of land, as more particularly described in the Development Plan.

The majority of the Project Site, which is bifurcated by Viaduct Street, is currently occupied by open-air parking areas, with the exception of a vacant, three-story warehouse and several one-story structures housing among other uses, a restaurant and automotive repair shops. Currently, the Project Site is underutilized and returns to the City very little in terms of tax revenue, employment or other public benefits.

The BRA finds that if the Development Plan is not approved, the Project Site will continue as an underutilized area; that the existing structures and the Project Site's uses will remain essentially unchanged; and that the potential benefits from the Project Site will not be fully realized.

3. THE APPLICANT'S DEVELOPMENT PLAN

WHEREAS, the Applicant's Draft Development Plan dated as of November 20, 1990 consists of 28 pages of text plus attachments designated Exhibits A through G. In addition, the Applicant has submitted proposed forms of a Development Impact Project Agreement, and a Cooperation Agreement (collectively, the "BRA Agreements"). After reviewing these forms of agreement, the BRA is satisfied that the BRA Agreements substantially in the form submitted will ensure compliance with the Development Plan and the provision of the public benefits and mitigation measures referred to therein and, with such changes as the Director of the BRA may deem advisable, will authorize the Director to execute the BRA Agreements.

The BRA finds that the Applicant's Development Plan adequately sets forth the required elements for a development plan and for a development impact project plan pursuant to Article 3, Section 3-1A.a., Article 26A, Section 26A-3 and Article 42E of the Code, including the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the Site and structures, projected number of employees, proposed densities, proposed traffic circulation, parking and loading facilities, access to public transportation and proposed dimensions of structures.

4. THE PROJECT

WHEREAS, as described in the Development Plan, the Project will consist of the development of up to three new buildings, ranging in height from fifteen (15) to nineteen (19) stories (approximately one hundred and sixty-two (162) feet to approximately two hundred and forty-five feet (245) feet) as more particularly described in the detailed Development Program contained in Section IV of the Development Plan. The uses to be included in the new structures will include, without limitation,

office, hotel, exhibition and conference, restaurant and retail space. Approximately 1,600 parking spaces will be included in the Project. Significant additions to the City's supply of open space will result from the Project, including a landscaped open space area at the intersection of Northern Avenue and D Street, the Viaduct Plaza, a multilevel open space area to be built adjacent to Viaduct Street, and Seaport Lane, all as more particularly described in the Development Plan. The construction schedule for the buildings comprising the Project is set forth in Section VI of the Development Plan.

The BRA finds that, from a design standpoint, the Project, as described in the Development Plan, is consistent with the Harborpark District Plan for the Point Waterfront approved by the Authority concurrently herewith, but immediately prior hereto, and the Urban Design Guidelines set forth therein (hereinafter the "Fort Point Guidelines"), that massing, setbacks and materials are coordinated to relate to the existing context of the surrounding area, and that the buildings in the Project will have heights and gross floor areas in compliance with those permitted in Article 42E. The BRA also finds that the Project will permit better utilization of the Project Site.

5. THE PUBLIC REVIEW PROCESS AND EVOLUTION OF THE PROJECT

WHEREAS, the BRA in conjunction with the Fort Point Citizens Advisory Committee (hereinafter the "CAC") has been conducting a comprehensive review of the land use controls applicable within the Fort Point Waterfront. In June, 1989, the BRA and the CAC published a comprehensive set of urban design guidelines for the Fort Point Waterfront, including the Project Site, entitled the "New Congress Street/Piers Urban Design Guidelines" which have been substantially enacted by the Authority as the Fort Point Guidelines. The CAC has held numerous meetings in connection with its planning and review tasks and has considered various aspects of this specific Project in at least 8 public meetings, including a meeting specially scheduled for the general public at the Condon Community School in South Boston on October 29, 1990. The degree of citizen involvement through the CAC and the public review process has been substantial. In addition, there have been more than 15 working sessions between the Applicant's development team and the BRA staff.

As part of the public review process, an Environmental Notification Form dated August, 1985, a Notice of Project Change dated May, 1989 and a Draft Environmental Impact Report dated May 15, 1990 were filed with the Massachusetts Executive Office of Environmental Affairs (hereinafter "EOEA"). In addition, the Applicant submitted to the BRA a Project Notification Form dated November 22, 1989 and, in accordance with the Scoping Determination issued by the BRA on February 14, 1990 under

Article 31 of the Code, a Draft Project Impact Report dated May 15, 1990. A Preliminary Adequacy Determination was issued by the BRA on October 30, 1990. A combined Final Project/Environmental Impact Report dated November 15, 1990 (the "FP/EIR") was filed with the EOEa and with the BRA.

The BRA finds that, as a result of the process of citizen involvement and public review which has continued for over four years, and which produced the Fort Point Urban Design Guidelines, broad agreement on the urban design objectives for the Project was reached relative to design aesthetics, community concerns, environmental impacts and scale. The BRA further finds that, out of this public review through the diligent and good faith efforts of the CAC, the Applicant, and other concerned parties, a better Project has evolved.

6. THE "GENERAL PLAN FOR THE CITY AS A WHOLE" AND THE HARBORPARK DISTRICT PLAN

WHEREAS, pursuant to Article 3, Section 3-1A.a. and Article 42E, Section 42E-17 of the Code, in approving a development plan, the BRA must find "that such plan conforms to the general plan for the city as a whole". No specific "general plan" is referred to in Section 3-1A.a. or Section 42E-17 or elsewhere in the Code, but Article 42E, Section 42E-2 recognizes the Harborpark District Plan, as amended from time to time, as the general plan for the Fort Point Waterfront and as the portion of the general plan for the City of Boston applicable to the Fort Point Waterfront.

On March 11, 1965, the BRA adopted as the official master plan of the City for the next decade the "1965/1975 General Plan for the City of Boston and the Regional Core" (hereinafter the "1965-1975 Plan"). In the intervening 25 years, no other formal City-wide plan has been adopted, although other plans and studies have been conducted. Neither the 1965-1975 Plan, nor any other single document frozen in time, has constituted "the general plan for the city as a whole." Rather, "the general plan for the city as a whole" is a continually evolving concept, evidenced by development precedents, planning studies, and zoning ordinances.

In determining "the general plan for the city as a whole", it is the BRA's administrative practice to look to the 1965-1975 Plan and subsequent studies and actions relating to the particular part of the City under consideration. In this way, the BRA can determine if a particular project is in accordance with long-range planning and furthers the BRA's view as to future development of the City.

With regard to the Project Site and the Fort Point Waterfront, the "general plan for the city as a whole" includes applicable portions of the 1965-1975 Plan and subsequent plans

and studies, including the BRA study entitled "Planning for Boston's Next Decade of Development 1980-90", numerous BRA studies regarding Boston's future commercial needs, the CAC Interim Report dated March, 1989, the Fort Point Urban Design Guidelines, a South Boston District Profile (which proposed a neighborhood improvement program for South Boston) and recently adopted and proposed Code amendments which relate to the Fort Point Waterfront.

The 1965-1975 Plan describes the City of Boston as including a Regional Core made up of a series of subcenters located along a linear spine generally running east to west. These subcenters are identified in the 1965-1975 Plan as North Station, the Waterfront, Government Center, Summer, Winter, Washington Streets, Park Square, Copley Square, Prudential Center, Symphony Hall, and Kenmore Square. The 1965-1975 Plan envisions communication and connection between the Regional Core's separate subcenters to enable the subcenters to expand and modernize functionally as necessary. Geographically, the 1965-1975 Plan defines the "Regional Core" as that part of the City which includes primarily the Boston peninsula and the central business district, plus various fringe areas, such as the Fort Point Channel area.

Specific development concepts set forth in the 1965-1975 Plan which affect planning for the area in and around the Project include:

- (1) Making fundamental physical improvements within the Regional Core without weakening its historic physical structure. Waterfront renewal is given as an example of the type of development which would accomplish this goal;
- (2) Making improvements along the fringe of the Regional Core, in areas like Fort Point Channel, to improve the depressed land value and economic stagnation which then existed;
- (3) Strengthening diverse residential areas especially near the Waterfront, through development which would be harmonious with its surroundings;
- (4) Improving local circulation of traffic between neighborhoods and subcenters while eliminating unnecessary through-traffic;
- (5) Integrating public open spaces with surrounding neighborhoods in the South Bay/Fort Point Channel Area;

- (6) Creating a system of open spaces and pedestrian ways in the Regional Core which links up existing public spaces, such as the Public Garden and the Common, with major bodies of water such as the Charles River and the Harbor; and
- (7) Fulfilling the challenging opportunity presented by the Fort Point Channel Area for "bold new development and grandeur of design."

The Harborpark District Plan includes the provisions of Article 42E of the Code. Section 42E-1 sets forth the goals and objectives of the Fort Point Waterfront Zoning as follows: to protect the Harborpark District from inappropriate land and water uses; to promote balanced growth along Boston's shoreline; to allow the waterfront to be used as a public resource and thereby to extend its use and benefit to the greatest number of people; to preserve and protect public open space and beach area within the harbor area; to promote public access to the waterfront; to promote residential and mixed-use commercial activities compatible with adjacent areas; to promote the economic growth and development of water-dependent and water-related commercial activity; to protect the working waterfront and preserve areas for water-dependent uses; to promote public waterborne transportation; and to promote uses which integrate uses, activities, and physical connections between the harbor and its surrounding neighborhoods. This statement of goals is, in turn, based on the studies of the area conducted in connection with the enactment of Article 27C establishing an Interim Planning Overlay District for the Harborpark District, as well as further studies conducted in connection with preparation of the proposed text of Article 42E.

The BRA finds that by redeveloping an obsolete and significantly underutilized portion of the City to create a mixed-use development, the Project will significantly advance the revitalization of the Fort Point Waterfront begun with the renovation of the Fish Pier and Commonwealth Pier. If the Project does not proceed it is anticipated that the existing structures and parking spaces on the Project Site would remain essentially unchanged. The benefits of this alternative for the Fort Point Waterfront area, the City, and the Commonwealth would be little, especially since the existing structures are deteriorating with age, and the City's zoning plans call for more active and productive use of this land.

The completed Project, with an emphasis on suitable space and services for international trade interests and general commerce, will provide an appropriate transition between anticipated future commercial development to the west and the existing industrial and maritime uses to the east. As detailed in the Development Plan, the provision of improved vehicular and

pedestrian access and the creation of public open spaces will provide vital new public amenities for the City and its people. By stimulating growth, the Project will also create a complex with facilities and services which will promote economic growth in Boston and throughout the region. The BRA further finds that by using materials and designs which are harmonious with the surrounding area and with traditional Boston design concepts, the Project will strengthen the Fort Point Waterfront without compromising the historic and architectural integrity of the area.

In 1979, the BRA sponsored a neighborhood improvement program, entitled "South Boston, District Profile and Proposed 1979-1981 Neighborhood Improvement Program" (the "District Profile"), which proposes strategies for revitalizing South Boston. Included in the District Profile proposals are the encouragement of investment in housing, transportation improvements, the reuse of vacant underutilized land and the attraction of new residents and businesses to the neighborhood. The District Profile looks specifically to the development of vacant and underutilized land in the northern section of South Boston, which includes the Project Site, to produce large numbers of jobs and broaden the tax base. The District Profile postulates that more jobs and new uses on previously underutilized land can make South Boston an even more attractive place in which to live.

The BRA finds that the Project conforms to the strategies set forth in the District Profile. The BRA further finds that both construction and permanent jobs will be created by the completion of the Project; that tax dollars will be generated and contemplated office and retail space will bring new business to the area; that various transportation improvements, such as the construction of a new Northern Avenue Bridge and a Seaport Access Road, are currently being pursued by state authorities; and that the Project will revitalize a large tract of underutilized land in the northern section of South Boston and will constitute a major step toward accomplishing the overall goals for South Boston as set forth in the District Profile.

The BRA further finds that the "general plan for the city" is an evolving and changing concept; that it begins with the 1965-1975 Plan, which set forth general principles for the development of the City as a whole; that later studies and plans refine those principles and apply them to the development of the Fort Point Channel Waterfront; that the Project conforms to such general principles and specific refinements, including the Fort Point Urban Design Guidelines and Harborpark District Plan and that the Project "conforms to the general plan for the city as a whole."

7. THE PROJECT SATISFIES THE PDA CRITERIA

WHEREAS, in order to approve the Development Plan, the BRA must find that the Plan satisfies the PDA Criteria set forth in Article 42E, Section 42E-17 and summarized in Finding No. 1 above. The BRA hereby finds that the Development Plan satisfies the PDA Criteria, as more fully hereinafter set forth.

First, the Development Plan is in conformity with the provisions of Article 42E, Sections 42E-17, 42E-18 and 42E-20. Based on the matters reviewed in this Finding No. 7, the BRA is concluding that the PDA Criteria are satisfied. Section 42E-18 requires that the Development Plan propose a plan for public benefits including, at a minimum, one of the following: (i) the creation of affordable housing, (ii) the provision of substantial street improvements, (iii) the provision of open space or (iv) direct economic support for the maritime-industrial or for the manufacturing economy, as more particularly described in said Section 42E-18. As more fully discussed in Finding No. 8, below, the Development Plan incorporates a public benefits plan that satisfies such minimum requirements and provides for substantial additional public benefits. Section 42E-20 requires that any Proposed Project submitted as part of an application for Development Plan approval, comply with the general design and environmental impact standards described in said Section 42E-20. These general design and environmental criteria impact standards pertain to shadows, wind, transportation access, landmarks and historic buildings, enhancement of pedestrian environment, and compliance with Article 28 regarding Boston Civic Design Commission Review. Based on its review of the FP/EIR and of the requirements of the Cooperation Agreement proposed by the Applicant in connection with the Application, the BRA finds that the Project, as described in the Development Plan, will comply with the general design and environmental impact standards set forth in Section 42E-20.

Second, as discussed in Finding No. 6, above, the Development Plan is consistent with the Harborpark District Plan and the "general plan for the city as a whole".

Third, each Proposed Project described in the development plan must be in compliance with the building height and FAR standards set forth in Section 42E-16 and other applicable provisions of Article 42E. Pursuant to Section 42E-16, the Project is permitted to have a maximum FAR of 4.25 and to be in Substantial Accord with a maximum building height of two hundred and fifty (250) feet. The Project proposed in the Development Plan includes three buildings which do not exceed two hundred and fifty (250) feet in height with an FAR which will not exceed 4.25. Accordingly, the BRA finds that the Project is in compliance with the standards for building height and FAR for projects within a PDA set forth in Section 42E-16. Further,

based on a review of the Development Plan and of the applicable provisions of Article 42E, the Board hereby finds that the Development Plan is in substantial accord with such applicable provisions.

Fourth, as is separately discussed in Finding No. 8. below. nothing in the Development Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

Accordingly, the BRA finds that the Development Plan satisfies each of the PDA Criteria.

8. THE PROJECT WILL NOT BE "INJURIOUS TO THE NEIGHBORHOOD OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE"

WHEREAS, in order to approve the Development Plan, the BRA must find that "on balance, nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens" This standard, as set forth in Article 42E, Section 42E-17 of the Code, elaborates upon the standard set forth in Article 3, Section 3-1A.a. (that "nothing in [a proposed Planned Development Area plan] will be injurious to the neighborhood or otherwise detrimental to the public welfare") by incorporating the balancing approach required by the Supreme Judicial Court in Manning v. Boston Redevelopment Authority, 444 Mass. 444 (1987). As the Court noted, the planned development area provisions of the Code were intended to "establish more flexible zoning law" in order to encourage well-planned and thoroughly reviewed large scale private development projects on underutilized sites. These provisions contemplate a balancing of relative benefits and burdens, acknowledging that such large-scale development projects inevitably cause some burdens, but realizing that in a well conceived and well-designed project such burdens are outweighed by public benefits generated by the project.

Based upon its consistent administrative practice for nearly two decades, as well as upon the mandate of Manning, the BRA will balance a proposed development plan's possible adverse effects and other matters claimed to be detrimental to the public welfare against the benefits to the neighborhood, the City, and the public. It will approve only those which "on balance, are not injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens."

In the case of this Project, a comprehensive public review process extending over four years has resulted in a development plan with broad public support that maximizes public benefits while minimizing and mitigating adverse development impacts. Numerous design changes to minimize development impacts have

resulted from the active and effective participation of the CAC in advising the BRA in development review. Among other things, Seaport Lane, a pedestrian way and service drive has been included in the Project between WTC East and WTC Hotel, which will provide visual and physical access to the waterfront, and also will remove service and loading areas from major streets; WTC Hotel has been reconfigured and reduced in height to increase light and reduce shadow impact; in order to conform to the streetscape and increase available sunlight to open spaces, the WTC East tower was set back approximately seventy-five (75) feet from the property line; pedestrian passageways have been designed to be street-like in character to provide an inviting access between adjacent districts of the city, and a series of indoor and outdoor public open spaces have been designed to encourage activities of users of the Project Site. Each of these examples demonstrates a significant amount of mitigation included in the current Project design, which has resulted in a project with limited potential for negative impacts.

The Project does, however, provide numerous beneficial impacts. Set forth below are some of the benefits which will inure to the public as a result of the Project.

The Project's Benefits

A. Employment Plan

The Project is expected to generate an estimated 1,300 construction jobs and when completed to add an estimated 5,500 permanent jobs to the 2,200 employees currently working at the existing World Trade Center building. The Applicant anticipates that many new jobs will be created by new businesses, expansion of existing businesses and new tenants coming into the City. An aggressive program to be funded from the Jobs Contribution Grant for recruiting Boston residents, minorities, women and South Boston residents for both construction and permanent jobs will ensure that benefits flow to those most in need of employment.

B. Fiscal Benefits

Upon completion of the Project, annual property taxes received by the City of Boston are anticipated to equal three million eight hundred thousand (\$3,800,000) dollars.

C. Traffic and Transportation Improvements

The Applicant, the Boston Transportation Department (hereinafter the "BTD") and the BRA have agreed upon a comprehensive transportation program which will benefit the Fort

Point Waterfront area and surrounding neighborhoods and which will be set forth in a Transportation Access Plan Agreement to be entered into by the Applicant and the BTB.

The Applicant will take the lead in creating a Transportation Management Association for the Fort Point Waterfront Area, a Transportation Coordinator will be appointed for the Project to initiate demand reduction/management programs and coordinate all transportation activities for the Project and pedestrian circulation patterns and amenities in the area of the Project will be significantly improved, all as more particularly described in the FP/EIR.

D. Streetscape and Open Space Improvements

As described in the Development Plan, the Project will include improvements to the streetscape and significant contributions to the City's inventory of open space, including a landscaped open space area at the intersection of Northern Avenue and D Street, Viaduct Plaza and Seaport Lane.

E. Infrastructure Improvements

As more particularly described in the FP/EIR, the capacity of the sewer and storm drain systems in the area of the Project are more than adequate to service the Project as a result of an extensive program of improvements undertaken during the past five years and funded in part by the Massachusetts Port Authority, the owner of the Project Site.

F. Development Impact Project Contribution

1. As required under Article 26A, Section 26A-3 of the Code, the Applicant will enter into a Development Impact Project Agreement (hereinafter the "DIP Agreement") and will be responsible for making a Development Impact Project Contribution (hereinafter the "DIP Contribution") with regard to the Project. The DIP Contribution shall be made, at the Applicant's option, by: (i) the grant and payment by the Applicant of a sum of money payable at the times and in the manner and under the conditions specified in the DIP Agreement (referred to in said Section 26A-3 as the "Housing Contribution Grant"), (ii) the creation by the Developer of low and moderate income housing units at a cost at least equal to the amount of the Housing Contribution Grant and under the conditions specified in the DIP Agreement (referred to in said Section 26A-3 as the "Housing Creation Option"), or (iii) a combination of items (i) and (ii) above. The Applicant anticipates making the DIP Contribution utilizing the Housing Contribution Grant.

Should the Applicant's obligation with regard to the DIP Contribution for all of the buildings included in the Development Plan be satisfied solely in the form of a Housing Contribution Grant, and assuming no changes in the formula for calculating the DIP Contribution after the date hereof, total payments from the Applicant would equal approximately \$5,950,000.

2. As required under Article 26B, Section 26B-3 of the Code, the Applicant will also be responsible for making a Jobs Contribution Grant with regard to the Project. The Jobs Contribution Grant shall be payable at the times, in the manner and under the conditions specified in the DIP Agreement. It is anticipated that, assuming no changes in the formula for calculating the Jobs Contribution Grant after the date hereof, the total Jobs Contribution Grant for the Project will equal approximately \$1,190,000.

G. Day Care Facilities

The Applicant will provide space for new day care facilities and a contribution to the so-called Day Care Trust to be formed in an amount and in accordance with the schedule specified in Section XIII of the Development Plan in satisfaction of the requirements of Article 42E.

The projected impacts of the Project have been comprehensively studied through the Article 31 Development Review Process. With the advice of the CAC and other concerned parties, mitigation has been designed for this Project to minimize any adverse impact in the transportation network, environmental quality, the urban design context, historic structure, and infrastructure systems. The development review process has generated sufficient data, in light of the mitigation proposed by the Applicant, to determine that the standard articulated in Section 3-1A, Section 42E-17, and the Manning case is met.

For the reasons set forth in this Resolution No. 8 and elsewhere herein, the BRA hereby finds that the Project and the proposed Development Plan are not injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

9. CONCLUSION

WHEREAS, the BRA gave due and proper notice of a public hearing held in the BRA Board Room on November 29, 1990, to consider the Development Plan and to determine the manner in which Article 3, Section 3-1A.a., Article 26A, Section 26A-3, and Article 42E, Sections 42E-17, 42E-18 and 42E-20 should be applied to the Development Plan. The public hearing was duly convened and held in all respects in accordance with law, and to the

extent required by law, with a legal quorum present throughout the meeting. The matter was held open for public comment until December 5, 1990 and at a meeting held by the BRA in its Board Room on December 13, 1990 a legally sufficient number of members of the BRA voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said vote were duly fulfilled, carried out and otherwise observed. At the public hearing on November 29, 1990 and during the designated public comment period, the BRA heard extensive testimony from a number of witnesses and closed the public record on this Application on December 5, 1990.

Based on all this evidence, the BRA finds and concludes that the Project is critically important to the revitalization of the Fort Point Waterfront; that the Project design has been developed through a comprehensive public review process in which both the Applicant and the CAC have exerted efforts to produce the best achievable project; that the urban design elements of the Project reflect the needs of the Fort Point Waterfront, while respecting the public goals and guidelines established for development in Boston; that the Project will form an important link between the industrial area to the east of the Project Site and planned commercial development to the west and by providing Boston with a new source of real estate tax revenues and linkage funds; and that the Project will provide numerous other benefits to the neighborhood, the City and community at large.

Based on all the evidence, the BRA further finds and concludes that the Project's Development Plan satisfies the PDA Criteria and otherwise complies with Sections 3-1A.a., 26A-3, 26B-3, 42E-17, 42E-18 and 42E-20 of the Code.

Based on all the evidence, the BRA further finds and concludes that the Project's Development Plan conforms to the Harborpark District Plan and the "general plan for the city as a whole".

Based on all the evidence, the BRA has weighed this Project's public benefits against the burdens of this Project and further finds and concludes that nothing in the Project's Development Plan is not "injurious to the neighborhood or otherwise detrimental to the public welfare".

10. RESOLVES

NOW THEREFORE be it resolved by the Authority That in connection with the Development Plan for Planned Development Area No. 40 (hereinafter the "Development Plan"), presented at a public hearing duly held in the Board Room of the Boston Redevelopment Authority (hereinafter the "Authority") on November 29, 1990 and after consideration of (a) evidence presented at, and in connection with, that

public hearing, and in connection with the proposed project described in the Development Plan, (b) matters discussed in a memorandum dated 13, 1990 from the Authority staff to the Authority and (c) the findings of the Authority set forth above, which evidence, memorandum and findings are incorporated herein by reference, the Authority finds that the Development Plan (1) conforms to the Harborpark District Plan and the general plan for the city as a whole; (2) on balance contains nothing that will be injurious to the neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens including those factors set forth in Section 42E-17 of Article 42E; (3) is in compliance with the provisions of Sections 42E-17, 42E-18, 42E-20, the building height and FAR standards set forth in Section 42E-16 and other applicable provisions of proposed Article 42E of the Boston Zoning Code (hereinafter the "Code") on which the Authority is taking action concurrent herewith (hereinafter "Article 42E"); and (4) does adequately and sufficiently satisfy all other criteria and specifications for a development plan for a planned development area subdistrict designation and for a development impact project, as set forth in the Code, as amended, including, without limitation Article 42E; and further

That the form and substance of the Development Plan, and the procedures employed in reviewing and approving the Development Plan, conform with the requirements of the Code as applied to a development plan for a planned development area designated by the Boston Zoning Commission (hereinafter the "Commission") under Article 3, Section 3-1A.a., and Article 42E of the Code and a development impact project plan under Article 26A, Section 26A-3 of the Code; and further

That the Authority hereby waives any procedural requirements of the Authority's "Zoning Procedures for the Master Plan/PDA" dated March 19, 1986 and its "Development Review Procedures" dated 1985, as revised in 1986, with which the Application submitted by the Applicant for a planned development area subdistrict designation for the parcel of land which is the subject of the Development Plan and the Development Plan are not in conformity; and further

That pursuant to the provisions of Article 3, Section 3-1A.a., Article 26A, Section 26A-3, and Article 42E, Section 42E-17 of the Code, the Authority hereby approves the Development Plan and the proposed uses of the Project described therein. The Development Plan is embodied in a written document entitled "Development Plan and Development Impact Project Plan for Planned Development Area No. 40", dated as of November 20, 1990 consisting of 28 pages of text

plus attachments designated Exhibits A through G, and is attached hereto as Exhibit A. The Development Plan shall be on file in the office of the Secretary of the Authority; and further

That the Authority hereby authorizes the Director of the Authority to petition the Commission for a planned development area overlay designation for the parcel of land which is the subject of the Development Plan, and to recommend to the Commission, subject to final enactment of Article 42E, that it approve such petition and the Development Plan pursuant to Article 3, Section 3-1A.a., and Article 42E of the Code; and further

That the Authority hereby approves the proposed forms of Development Impact Project Agreement and Cooperation Agreement (hereinafter the "Related Agreements") in substantially the forms attached hereto as Exhibits B and C, respectively, and the Authority hereby authorizes the Director of the Authority to execute and deliver in the name of and on behalf of the Authority the Related Agreements, with such changes as he, in his discretion, shall determine to be necessary or desirable, his execution and delivery of any of the foregoing or the taking of any such action to be conclusive evidence of his determination and of the authority granted to him hereunder. The Related Agreements shall be on file in the office of the Authority; and further

That the Authority hereby authorizes the Director of the Authority to execute and deliver in the name of and on behalf of the Authority all other agreements and documents incidental to the Development Plan, such agreements and documents to include such terms and conditions as the Director deems appropriate and in the best interests of the Authority, execution and delivery of such agreements or documents or the taking of any such action to be conclusive evidence of his determination and of the authority granted to him hereunder. Such other agreements and documents shall be on file in the office of the Authority; and further

That the Authority hereby authorizes the Director to certify in the name of the Authority at such time as he determines that the plans to be submitted to the Commissioner of the City of Boston Inspectional Services Department in connection with the Development Plan are consistent with the approved Development Plan: that such plans are thus consistent, his certification of such to be conclusive evidence of his determination and of the authority granted to him hereunder; and further

That the Authority hereby authorizes the Director to make in the name of the Authority a recommendation pursuant to Section 18 of Chapter 91 of the General Laws of Massachusetts to the Commonwealth's Department of Environmental Protection in accordance with Subsection 1 of Section 42E-5 of Article 42E that the Project would serve a proper public purpose and would not be detrimental to the public's rights in Tidelands; and further

That the Authority hereby authorizes the Director to (i) certify in the name of the Authority that, at such time as he determines that the Schematic Plans and Drawings submitted by the Developer to the Authority conform to the Development Review Requirements of the Code and the Authority, that such plans so comply (ii) certify in the name of the authority that, at such time as he determines that the Project complies with the remaining Development Review Requirements of the Code, that the Project thus complies and (iii) issue an Adequacy Determination, at such time as he determines that the Final Project Impact Report for the Project conforms to the requirements of Article 31 of the Code, but no later than January 15, 1991, his certification of such to be conclusive evidence of his determination and of the authority granted to him hereunder; provided that final design review of the Project shall not be granted prior to the execution of a Transportation Access Plan Agreement with the Boston Transportation Department.

Dated: December 13, 1990

Respectfully submitted,

Stephen Coyle, Director